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May 21, 2004

Via Hand Delivery

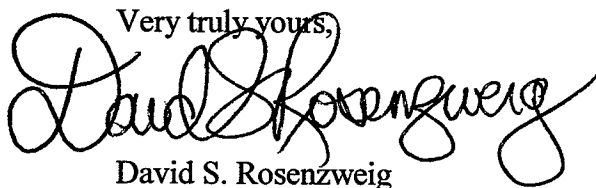
Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: Boston Edison Company d/b/a NSTAR Electric

Dear Ms. Cottrell:

Enclosed are an original and five (5) copies of a petition by Boston Edison Company d/b/a NSTAR Electric ("NSTAR Electric" or the "Company") seeking certain zoning exemptions from the Department of Telecommunications and Energy (the "Department"), pursuant to Section 6 of Chapter 665 of the Acts of 1956. The requested exemptions relate to the construction and operation of a proposed electric substation on Colburn Street, in the Mission Hill area of the City of Boston.

We have also enclosed the \$100.00 filing fee. Thank you for your attention to this matter.

Very truly yours,

David S. Rosenzweig

Enclosures

cc: Jolette Westbrook, General Counsel, Energy Facilities Siting Board
Diedre Matthews, Director, Energy Facilities Siting Board

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
CHECKLIST FOR FILING OF ZONING EXEMPTIONS
PURSUANT TO G.L. c. 40A, § 3

The following checklist is intended to serve as guidance for persons developing petitions for exemption from a municipal zoning ordinance or bylaw pursuant to G.L. c. 40A, § 3. Petitioners must complete all three parts of the form and submit a copy of the completed form with the petition at the time of filing.

PART 1: GENERAL INFORMATION

Petitioner name:

Description of land or structures for which exemption is sought:

Municipality:

PART 2: CONTENTS OF PETITION

The petition must contain, at a minimum, the following information:

- ☐ A demonstration that the petitioner is a public service corporation that may seek a zoning exemption pursuant to G.L. c. 40A, § 3, with supporting documentation as necessary.
- ☐ A list of the sections of the zoning ordinance or bylaw from which the petitioner seeks an exemption, together with a summary of each such section and an explanation of why exemption from that section is needed, with supporting documentation as necessary.
- ☐ A description of the use of land or structures which are the subject of the exemption request, and an explanation of the purpose of the proposed use.
- ☐ An explanation of the public benefits to be provided by the proposed use of land or structures, with a supporting analysis and a description of the methods used to develop this analysis.
- ☐ A description of alternatives to the proposed use of land or structures, including the use of existing structures or facilities.
- ☐ An analysis of the environmental or other impacts of the use of land or structures, during both construction and operation. This analysis could include, without limitation, impacts on land use at or near the site, on wetlands or water resources at or near the site, visual and noise considerations, traffic and access considerations, public safety considerations, air pollutant emissions, or the use of hazardous substances.
- ☐ A list of all permits required for the proposed use of land or structures prior to construction, during construction and during operation.

NOTE: All information provided in the petition (including the petitioner's analysis of the need for each exemption sought) must be adopted by witnesses who will be able to testify and respond to questions at evidentiary hearings. Such adoption may occur subsequent to the filing of the petition. The petitioner should be prepared to identify which witness will adopt which part of the petition no later than three weeks after the petition is filed.

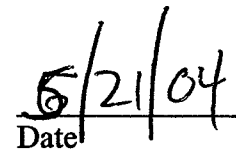
PART 3: ATTACHMENTS

The following documents must be submitted with the petition:

- ☐ An attested copy of the municipality's complete zoning ordinance or bylaw, as in effect at the date of filing.
- ☐ Copies of any zoning decisions or related municipal actions taken with respect to the proposed use of land or structures.
- ☐ A United States Geological Survey map (1:24,000 or 1:25,000 scale and in color) of the area, showing the locus of the land or structures.
- ☐ A diagram of the site of the proposed use, showing property boundaries, existing and proposed structures, and other use areas (e.g., roadway, parking, and materials storage/transfer areas) at the site.
- ☐ Either: (1) documentation that the proposed use does not require the filing of an Environmental Notification Form ("ENF") pursuant to the Massachusetts Environmental Policy Act ("MEPA"); or (2) a copy of the ENF for the project and the Certificate of the Secretary of Environmental Affairs on such ENF. If an Environmental Impact Report ("EIR") is required, and has been submitted to the MEPA Office at the time of filing, a copy of the EIR(s) and any related Certificates also should be submitted with the petition.
- ☐ Draft MEPA Section 61 findings relating to the proposed use of land or structures, if an EIR is required for the proposed use.
- ☐ A draft hearing notice (hard copy and on diskette in WordPerfect 8.0 or higher).
- ☐ Filing fee: A check for \$100.00, made payable to Commonwealth of Massachusetts.

All of the information requested above has been included in the Petition and attachments submitted with this form.


Signature


Date

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Petition of Boston Edison Company
d/b/a NSTAR Electric for Exemptions
from the Zoning Code of the City of
Boston Pursuant to Section 6 of Chapter 665
of the Acts of 1956

D.T.E. 04-____

**PETITION OF BOSTON EDISON COMPANY d/b/a NSTAR ELECTRIC FOR
ZONING EXEMPTIONS PURSUANT SECTION 6 OF CHAPTER 665 OF THE
ACTS OF 1956**

I. INTRODUCTION

Now comes Boston Edison Company d/b/a NSTAR Electric ("NSTAR Electric" or the "Company") seeking certain zoning exemptions from the Boston Zoning Code from the Department of Telecommunications and Energy (the "Department"), pursuant to Section 6 of Chapter 665 of the Acts of 1956,¹ with respect to the development of a new substation located at Colburn Street in the Mission Hill area of the City of Boston.² In support thereof, NSTAR Electric states as follows:

1. NSTAR Electric proposes to construct and operate a new 150 megavolt-ampere ("MVA") substation located at Colburn Street in Boston (the "Project"), with the ability to increase the capacity to 225 MVA in the future. Such a utility use

¹ NSTAR Electric does not believe that the proposed facilities are jurisdictional to the Department pursuant to G.L. c. 164, § 72. Nevertheless, given the similarity in the standards applied and evidence considered by the Department in a Section 72 case, the same issues are addressed in the Company's petition. Accordingly, if the Department were to deem any of the proposed facilities to be jurisdictional under Section 72, NSTAR Electric is amenable to its petition being considered in compliance therewith.

² A copy of the current Boston Zoning Code and associated maps is attached as Appendix A. The Company has been informed by the City of Boston that it will provide a certified copy of the Zoning Code upon formal request by the Department.

requires a conditional use permit from the City of Boston. NSTAR Electric filed for a conditional use permit for the Project on July 24, 2003, and was denied this permit by the Boston Inspectional Services Department on September 30, 2003. NSTAR Electric appealed this determination to the Zoning Board of Appeals on the same day.³

2. In this petition, the Company requests zoning relief from the Department pursuant to Section 6 of Chapter 665 of the Acts of 1956 in order to construct and operate the Project.⁴

II. STANDARD OF REVIEW⁵

3. Under Section 6 of Chapter 665 of the Acts of 1956 provides, in relevant part, that:

A building, structure, or land used or to be used by a public service corporation may be exempted from the operation of a zoning regulation or amendment if, upon petition of the corporation, the state [Department] shall, after public notice and hearing, decide that the present or proposed situation of the building, structure, or land in question is reasonably necessary for the convenience or welfare of the public.

4. A petitioner seeking exemption from a local zoning bylaw under Section 6 of Chapter 665 of the Acts of 1956 must meet three criteria. First, the petitioner

³ Efforts to secure zoning relief from the Zoning Board of Appeals are described in Section IV, infra. A copy of all documentation regarding NSTAR Electric's efforts to secure a conditional use permit are attached as Appendix B.

⁴ Unlike other cities and towns within the Commonwealth, the City of Boston is not subject to the provisions of G.L. c. 40A. Emerson College v. City of Boston, 393 Mass. 303 (1984). However, by Special Act of the Legislature, the City of Boston's Zoning Code is subject to the Department's authority for granting zoning exemptions to public service corporations in the same manner as G.L. c. 40A, § 3. See Section 6 of Chapter 665 of the Acts of 1956.

⁵ Consistent with the Department's checklist applicable to requests for zoning relief, NSTAR Electric has submitted with its petition herewith all of the requisite information to obtain zoning exemptions from the Department.

must qualify as a public service corporation. Save the Bay, Inc. v. Department of Public Utilities, 366 Mass. 667 (1975) (“Save the Bay”). Second, the petitioner must establish that it requires a zoning exemption. Commonwealth Electric Company, D.T.E. 03-7, at 3 (2003) (“Commonwealth Electric”); Boston Gas Company, D.T.E. 00-24, at 3 (2001) (“Boston Gas”). Third, the petitioner must demonstrate that its present or proposed use of the land or structure is reasonably necessary for the public convenience or welfare. Commonwealth Electric, D.T.E. 03-7, at 3; Massachusetts Electric Company, D.T.E. 01-77, at 4 (2002) (“MECo (2002)”); Tennessee Gas Pipeline Company, D.T.E. 01-57, at 3-4 (2002) (“Tennessee Gas (2002)”).

5. In determining whether a petitioner qualifies as a “public service corporation,” the Supreme Judicial Court (the “SJC”) has stated:

among the pertinent considerations are whether the corporation is organized pursuant to an appropriate franchise from the State to provide for a necessity or convenience to the general public which could not be furnished through the ordinary channels of private business; whether the corporation is subject to the requisite degree of governmental control and regulation; and the nature of the public benefit to be derived from the service provided.

Save the Bay, 366 Mass. at 680. See also Commonwealth Electric, D.T.E. 03-7, at 4; Boston Gas, D.T.E. 00-24, at 3-4; Berkshire Power Development, Inc., D.P.U. 96-104, at 26-36 (1997) (“Berkshire Power”).

6. NSTAR Electric is a Massachusetts public service corporation authorized to transmit and distribute electricity. Commonwealth Electric, D.T.E. 03-7, at 6. The Company is an “electric company,” as defined in G.L. c. 164, § 1, having its principal place of business in the City of Boston, Suffolk County, Massachusetts.

As an electric company and a public service corporation in the Commonwealth, the Company is entitled to seek a zoning exemption pursuant to Section 6 of Chapter 665 of the Acts of 1956.

7. In determining whether an exemption from a particular provision of a zoning bylaw is "required," the Department looks to whether the exemption is necessary to allow construction or operation of the petitioner's project as proposed. See Commonwealth Electric, D.T.E. 03-7, at 4; MECo (2002), D.T.E. 01-77, at 4-5; Tennessee Gas (2002), D.T.E. 01-57, at 5; Western Massachusetts Electric Company, D.P.U./D.T.E. 99-35, at 4, 6-8 (1999); Tennessee Gas Company, D.P.U. 92-261, at 20-21 (1993). The petitioner needs to identify the individual zoning provisions applicable to the project and then to establish on the record that exemption from each of those provisions is required:

The Company is both in a better position to identify its needs, and has the responsibility to fully plead its own case. The Department fully expects that, henceforth, all public service corporations seeking exemptions under c. 40A, s. 3 will identify fully and in a timely manner all exemptions that are necessary for the corporation to proceed with its proposed activities, so that the Department is provided ample opportunity to investigate the need for the requested exemptions.

New York Cellular Geographic Service Area, Inc., D.P.U. 94-44, at 18 (1995); see Commonwealth Electric, D.T.E. 03-7, at 4.

8. In determining whether a present or proposed use is reasonably necessary for the public convenience or welfare, the Department balances the interests of the general public against the local interest. Save the Bay, 366 Mass. at 680; Town of Truro v. Department of Public Utilities, 365 Mass. 407 (1974). Specifically, the Department undertakes "a broad and balanced consideration of all aspects of the

general public interest and welfare and not merely [an] examination of the local and individual interests which might be affected.” New York Central Railroad v. Department of Public Utilities, 347 Mass. 586, 592 (1964) (“New York Central Railroad”). When reviewing a petition for a zoning exemption, the Department considers the public effects of the requested exemption in the state as a whole and upon the territory served by the petitioner. Save the Bay, 366 Mass. at 685; New York Central Railroad, 347 Mass. at 592; Commonwealth Electric, D.T.E. 03-7, at 5.

9. With respect to the project site chosen by a petitioner, a petitioner is not required to demonstrate that its preferred site is the best possible alternative, nor must the Department consider and reject every possible alternative site presented. Commonwealth Electric, D.T.E. 03-7, at 5. Rather, the availability of alternative sites, the efforts necessary to secure them, and the relative advantages and disadvantages of those sites are matters of fact bearing solely upon the main issue of whether the preferred site is reasonably necessary for the convenience or welfare of the public. Martarano v. Department of Public Utilities, 401 Mass. 257, 265 (1987); New York Central Railroad, 347 Mass at 591.
10. Therefore, when making a determination as to whether a petitioner’s present or proposed use is reasonably necessary for the public convenience or welfare, the Department examines: (1) the present or proposed use and any alternatives or alternative sites identified; (2) the need for, or public benefits of, the present or proposed use; and (3) the environmental impacts or any other impacts of the present or proposed use. Commonwealth Electric, D.T.E. 03-7, at 5. The

Department then balances the interests of the general public against the local interest, and determines whether the present or proposed use of the land or structures is reasonably necessary for the convenience or welfare of the public. Boston Gas, D.T.E. 00-24, at 4-6; MECo (2002), D.T.E. 01-77, at 5-6; Tennessee Gas (2002), D.T.E. 01-57, at 5-6; Tennessee Gas Company, D.T.E. 98-33, at 4-5 (1998).

11. As shown below, the process to date to obtain zoning relief from the City of Boston has been extensive and, ultimately, unsuccessful. At the same time, the Project is needed to provide reliable transmission and distribution services in the following areas: Mission Hill, Brookline, Jamaica Plain, Roxbury Crossing, Longwood Avenue and Fenway-Kenmore. Thus, NSTAR Electric is seeking zoning relief from the Department to allow for the timely construction of the Project, which is needed to ensure a reliable supply of electricity to its customers.
12. Accordingly, the Company respectfully requests comprehensive exemptions from the Boston Zoning Code with respect to its proposed facilities. The Department has recognized that comprehensive zoning relief is appropriate in circumstances where, as here, numerous individual exemptions are required and the issuance of a blanket exemption could avoid substantial public harm by serving to prevent delay in the construction and operation of the proposed use. Commonwealth Electric at 33-34; Tennessee Gas Pipeline Company, D.T.E. 01-57, at 10 (2002); Massachusetts Electric Company, D.T.E. 01-77, at 30-31 (2002) (granting

comprehensive exemption where company demonstrated a time-sensitive need for the proposed project).⁶

III. DESCRIPTION OF THE PROJECT⁷

13. NSTAR Electric is proposing to construct and operate a substation on Colburn Street, off of Huntington and South Huntington Avenues in the Mission Hill neighborhood of Boston. This substation is necessary in conjunction with NSTAR Electric's plans to serve load in the area. The substation would tap into existing 115 kilovolt ("kV") underground transmission lines on Huntington Avenue, adjacent to the Project site that were installed in the 1970s in anticipation of a substation on the Colburn Street site. The proposed Colburn Street substation would then step down and distribute the electricity from these transmission lines, throughout this area of Boston. The Colburn Street parcel is 109,420 square feet (2.512 acres), the western or front portion of which is in a cleared, open, and level condition while the eastern or rear portion contains a wooded area on an approximately 50-foot high hill with an average slope of 2:1.
14. The Project would consist of the following elements:
 - (a) Three 37/50/62.5 MVA, sound-attenuated, load-tap changing transformers on concrete foundations with fire suppression systems and oil containment pits. A fourth foundation will be constructed to provide for the future installation of a fourth transformer of an identical rating.
 - (b) Two 115 kV circuit breaker and associated bus work to sectionalize an existing pipe-type cable, Transmission Line 110-510, and to provide access to an existing pipe-type cable, Transmission Line 110-511. Foundations will be

⁶ As shown below, the need for the Project is immediate and numerous exemptions are required. Therefore, a comprehensive zoning exemption is warranted.

⁷ A plot plan of the Project showing the facilities, as well as a locus map showing the location of the Colburn Street site are attached as Appendices C and D, respectively.

constructed to provide for the future installation of a second set of two circuit breakers to be added with the fourth transformer.

- (c) Three 115 kV circuit switchers for transformer protection. A fourth foundation will be constructed to provide for the future installation of a fourth circuit switcher.
 - (d) 13.8 kV outdoor metal-clad switchgear. A foundation will be constructed to allow the future installation of future additional switchgear associated with the fourth transformer.
 - (e) Three trailer-mounted 13.8 kV metal-enclosed capacitor banks.
 - (f) One single-story prefabricated control enclosure sized for the ultimate development of the station.
 - (g) Miscellaneous protective relay, control, metering, telemetry, communications and fire suppression equipment.
 - (h) Miscellaneous below grade duct banks, raceway systems grounding and direct stroke shielding including two 100-foot shielding masts.
15. The 115 kV bus work will be partially shielded by a screening wall made from prefabricated panels. Site lighting will consist of fixtures that are task oriented and on only as-needed unless required for security reasons in cooperation with law enforcement agencies.
16. The site is currently sloping and will be graded, with the installation of retaining walls to maintain grade. The entire yard will be surfaced with crushed stone and an on-site stormwater detention and infiltration system will be provided. A seven-foot high chain-link fence (with no barbed wire) will surround the site, except at the top of the proposed retaining wall, a 10-foot high chain-link fence will be provided to augment protection to the 115 kV bus work. A paved roadway between the two stub ends of Colburn Street connecting Huntington Avenue and South Huntington Avenue will be constructed and maintained to provide vehicular passage around the front of the station. In addition, there will

be five parking spots dedicated for NSTAR Electric use on the northeasterly boundary of the Project site.

17. The Project is located in the Mission Hill Neighborhood District, governed by Article 59 of the Boston Zoning Code. The specific area of Colburn Street is located within an area zoned as Multi-Family Residential (MFR-1), where public utility uses require a conditional use permit. Boston Zoning Code, Article 59.
18. As a matter of background, in 1975, the Massachusetts Department of Public Utilities (now, the Department) approved the siting of the existing 115 kV transmission line in Huntington Avenue (Boston Edison Company, D.P.U. 18284), and, in that decision, anticipated and approved a future substation at Colburn Street for the purpose of providing power to the substation. Although the Company installed the 115 kV transmission lines, it did not proceed with the construction of the Colburn Street substation at that time because of a generation facility that was subsequently added in the area (i.e., the Medical Area Total Energy Plant ("MATEP")).

IV. PROCEEDINGS BEFORE THE CITY OF BOSTON

19. NSTAR Electric filed an application for a conditional use permit from Boston Inspectional Services Department on July 24, 2003.
20. Specifically, NSTAR Electric thereafter sought authority to construct an outdoor electrical substation, including transformers, transformer foundations, transformer shrouding, fencing, walls and drainage.
21. Boston Inspectional Services Department, which serves as the building inspector in the City of Boston, denied NSTAR Electric's request on September 30, 2003

because it determined that various relief from the Zoning Board of Appeal was necessary.

22. NSTAR Electric appealed the matter to the Zoning Board of Appeal on September 30, 2003.
23. The Zoning Board of Appeal issued notice and conducted a hearing on January 6, 2004. This initial hearing was attended by local officials, neighborhood groups and residential abutters, and, at the request of local officials, NSTAR Electric sought a deferral of the Zoning Board of Appeal's decision. After rescheduling several times, on April 6, 2004, the Zoning Board of Appeal conducted a hearing during which the Company's request for a conditional use permit and height variance was denied without prejudice.
24. The Zoning Board of Appeal issued its decision on May 11, 2004, denying NSTAR Electric's requests on the grounds that "the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance ... or a Conditional Use Permit ... have been met."

V. ZONING RELIEF REQUIRED

25. As stated above, the Project requires a conditional use permit because it is a public utility use within a MFR-1 district. Because the Project's request for such a conditional use permit has been denied by the City, NSTAR Electric is seeking an exemption from this requirement from the Department.
26. In addition to necessary exemptions from the above-described conditional use permits, NSTAR Electric's proposed substation also requires several other zoning exemptions from requirements regulating frontage, front yards, building height,

rear yards, side yards and buffering and landscaping. Because of the number and extent of the zoning requirements implicated for this Project, NSTAR Electric is seeking a comprehensive zoning exemption from the Boston Zoning Code.

27. The parcel upon which the Project is proposed is oddly-shaped and is surrounded by other parcels. The property is bordered on the southwest by multifamily homes and on the northeast by undeveloped land. Colburn Street itself, which enters and exits the parcel on both ends from South Huntington Avenue and Huntington Avenue, is a private way that is 40-feet wide. Within the MFR-1 district in the Mission Hill Neighborhood district, the parcel is required to have 40 feet of frontage. Thus, the only frontage for the substation parcel is on these two “stubs” of Colburn Street. “Lot line, front” is defined as “the line separating the lot from the street.” Boston Zoning Code, Article 2A. A “street” is “a public way, alley, lane, court, sidewalk, and such parts of public squares and public places as form traveled parts of highways.” *Id.* Each stub of Colburn Street is 40-feet wide and would meet the frontage requirements for the lot. However, Colburn Street is a private way and does not meet the definition of a street. Therefore, the lot does not have the required frontage on a public way, as set forth by the Boston Zoning Code. Accordingly, a zoning exemption is necessary with regard to frontage requirements at this location.
28. A zoning exemption from the front-yard requirements as set forth in Section 59-8 and Table E of the Article 59 is also necessary, to the extent that it is not possible to discern a front-yard measurement (e.g., insofar as Colburn Street does not constitute a street from which a front-yard measurement may be made).

29. The MFR-1 zoning district has a height restriction of 35 feet for buildings. There are two lightning masts associated with the Project that will exceed 35 feet in height. In addition, the rear retaining wall with the fencing that has been required by the Inspectional Services Department (“ISD”) may exceed the 35-foot height limitation. The Boston Zoning Code defines “height of building” with reference to a building with a roof.⁸ Boston Zoning Code, Article 2A. To the extent that any towers or other structures, such as the lightning masts and/or retaining wall and related fencing, on this site are not associated with a building, there would be no height requirement for these towers or the wall and related fencing. However, the ISD has already indicated that the Project would not meet height restrictions at the site because of the lightning masts and possibly because of the height of the retaining wall and associated fencing. Therefore, a zoning exemption is required for structures over 35 feet in height on the site.
30. In accordance with Section 59-8 and Article 59, Table E, a 30-foot rear-yard and a 10-foot side-yard requirement exists in the MFR-1 district. In certain locations, the retaining wall may be located less than 30 feet, or 10 feet as the case may be, from the property line. While there are certain provisions that would allow for structures within such required rear or side yards to the extent that they are less than six feet above the average natural grade in these locations, the determinations of average natural grade have not been made with a degree of certainty to satisfy

⁸ “Height of building” is “the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy” Boston Zoning Code, Article 2A. In addition, Article 2A specifically exempts certain structures including, among others: radio towers, transmission towers, masts or such structures normally built above the roof and not devoted to human occupancy. *Id.*

this provision. Accordingly, because there may not be sufficient setback provided for the retaining wall, a zoning exemption is required for these dimensional requirements.

31. Further, exemptions from the buffering, screening and landscaping requirements in accordance with Sections 59-35-2 and 59-35-3 are also necessary. Those sections require specific buffering for parking, loading and storage areas as well as screening of disposal areas and certain equipment. Although NSTAR Electric plans to provide buffering and screening for the Project, strict compliance with Sections 59-35-2 and 59-35-33 is not possible because of the size and location of the property. Therefore, an exemption from compliance with these sections of the Zoning Code is required.
32. In addition, Section 59-33 includes design guidelines, which requires that parking, storage and disposal areas not be located in front of buildings, and in the event that such parking, storage and disposal areas are located in front of buildings, that they be adequately screened from public view by suitable fencing and vegetation. Compliance with this described screening and buffering guideline is uncertain (given the subjective nature of the standards) and, therefore, the Company seeks an exemption from this section of the Zoning Code.

VI. PUBLIC BENEFITS OF AND NEED FOR THE PROPOSED NEW SWITCHING STATION AND THE MODIFICATIONS TO EXISTING SUBSTATIONS

33. The primary purpose of the Project is to maintain the reliability of the electric system serving the Mission Hill area of Boston. The substation and associated distribution infrastructure will be built to address increased load growth and to

maintain the reliability of service to customers in the Town of Brookline, and the City of Boston neighborhoods of Brighton, Dorchester, Jamaica Plain, Mission Hill, Longwood Medical Area, Roxbury and Kenmore-Fenway. Without the Project, reliability issues could result in this area during periods of high load as soon as the summer of 2004.⁹

34. The initial firm capacity of the Project will be 150 MVA through the installation of three 115/14 kV 62.5 MVA transformers with an initial load of 75 MVA. The station will be designed to accommodate a fourth transformer, allowing the station to be expanded to an ultimate 225 MVA of firm capacity if and when the capacity is required. The total cost of the Project is estimated to be \$30 million. The Project is expected to be completed in 2005.
35. The development of the new Colburn Street 115/14 kV substation will provide capacity to relieve five heavily loaded bulk substations: Andrew Square Station 106, Brighton Station 329, Dewar Street Station 483, Scotia Street Station 492 and Hyde Park Station 496.
36. In addition to relieving the area stations, the Project will establish 20 MVA of transfer capability out of four of the bulk substations: Stations 106, 329, 483 and 496, increasing the load carrying capability at each of the stations.

⁹ For reliability purposes, during the summer 2004, the Company has developed a Colburn Street 2004 Summer Mitigation Plan (the "Plan"). The Plan entails: (1) the testing and repairing of certain distribution supply lines in the area; (2) pre-staging of equipment to allow for the rapid installation of mobile emergency generation, if needed, at Jackson Square, Roxbury Station #396, Washington Street, Jamaica Plain Station #284, and Cummins Highway, Hyde Park Station #441; and (3) installation of a new 25 kV supply line from Brighton Station to Jackson Square Station #396. These measures, individually and collectively, provide NSTAR Electric a variety of options for maintaining reliability during peak load conditions this summer.

37. The five stations that supply the Colburn Street area have numerous emerging capacity issues beginning in 2004. The existing system infrastructure is limited by existing loads and the continued development in the Longwood Medical Area, Fenway-Kenmore Area (including Boston University) and Boston Medical Center (at Massachusetts Avenue at the Expressway). Twelve distribution circuits are projected to be over their normal limits in 2004 and ten Distribution Supply System ("DSS")¹⁰ line groups will exceed their emergency limits during N-1 conditions, loss of one line in the line group. The existing distribution infrastructure is substantially constrained in its ability to supply the proposed major new customer developments.
38. The Colburn Street area continues to experience load growth, largely driven by the region's proximity to the Longwood Medical Area and Boston University and the ongoing redevelopment of portions of Roxbury. Projected new load will be 20 MVA by 2004 with an additional 36 MVA by 2008. New substation capacity and distribution infrastructure is required in the immediate term to support the load growth in and around the Colburn Street area.
39. The added capacity of the Project will reduce the load on thermally constrained distribution systems at Brighton Station 329 and Hyde Park Station 496, relieve existing distribution lines, support 4 kV conversions and allow for the retirement of the 24 kV supply out of Brighton Station. All of these system improvements are needed in order to maintain reliability in the area.

¹⁰ A DSS line group consists of two to five distribution lines that supply both 14 kV customer stations, 14 kV/4 kV NSTAR Electric stations and 14 kV distribution circuits.

V. ALTERNATIVES CONSIDERED

40. NSTAR Electric has considered several potential alternatives for its Project. Specifically, the Company evaluated: (1) the use of existing substation capacity and the addition of transfer capability; (2) developing a 115/14 kV substation on at the existing NSTAR Electric substation 284 in Jamaica Plain; and (3) developing two smaller 115/14 kV substations on existing NSTAR Electric sites. None of these alternatives is superior to the Project as proposed.
41. The first alternative would use existing substation capacity and add transfer capability, using six existing area bulk supply stations: Andrew Square Station 106, Brighton Station 329, Dewar Street Station 483, Hyde Park Station 496, New K Street Station 385 and Watertown Station 467. This alternative would have three main components: (1) transmission work to eliminate transmission constraints at Andrew Square and Dewar Street Stations; (2) distribution upgrades and re-routing in Brighton to avoid thermally-constrained areas; and (3) distribution capacity upgrades geared toward increasing transfer capabilities between area bulk stations. NSTAR Electric estimates the cost of this alternative to be approximately \$32 million.
42. NSTAR Electric believes that this alternative is inferior to the Project because it has above-average feeder lengths, is not a long-term solution to address increasing capacity requirements in the area and would not add transformer capacity at the station level. It is also more expensive than the proposed Project without offering the same system benefits.

43. The second alternative would use the existing NSTAR Electric 4 kV Station 284 on Washington Street in Jamaica Plain. This would include the conversion of 4 kV load at Station 284 prior to the use of the property for the proposed substation. This conversion work makes this alternative more costly and complex than other options. The estimated cost of the second alternative is approximately \$45 million.
44. Although this alternative location for the proposed substation would relieve constraints on the Hyde Park Station 496, it is over two miles from the primary load center for the Colburn Street area. As such, it would not be as effective at addressing the identified need. Further, the cost of this alternative is considerably higher than that for the proposed Project.
45. The third option NSTAR Electric considered was developing two smaller 115/14 kV substations on existing Company property, using Station 36 in Allston and Primary Network Unit ("PNU")¹¹ 25 in Brookline. This alternative would also require the conversion of 4 kV load served from those sites before they could be used, making this alternative somewhat complex and more costly. The estimated cost for the third option is approximately \$49 million.
46. Although this option would meet the identified need, it does so at a substantial cost increment to the proposed Project.

¹¹ A PNU is a station consisting of a single 14 kV/4 kV transformer and a 4 kV section of distribution switchgear containing four or five distribution circuits. The 4 kV circuits are networked together with 4 kV distribution circuits from other PNUs.

VI. IMPACTS OF THE PROPOSED PROJECT

47. Similarly, NSTAR Electric has analyzed the environmental impacts of the Project and has proposed measures to minimize any impacts associated with the construction and operation of the Project, as described below.
48. Construction. Substation construction will require excavation for foundations, grading, stormwater structures and conduit trenching. Clearing of some mature trees will be necessary along the lower portion of the rear slope, where a retaining wall will stabilize the hill. Blasting is not expected. Haybales with silt fencing will be placed to control stormwater run off from disturbed areas during construction. Silt sacks will be placed in down-gradient catch basins as part of the erosion control plan. Overall, the construction period is expected to last approximately 10-12 months. NSTAR Electric will work in close consultation with the City of Boston in scheduling work throughout the construction period and will provide community notification of each phase of the construction process. These measures will minimize construction impacts to the extent practical.
49. Land Use. The surrounding land use is predominantly residential. A "Children's Center" school for developmentally disabled youth is under construction (southeasterly about 130 feet) some 50 feet above the site in elevation. NSTAR Electric will implement appropriate screening and security measures to ensure that impacts associated with the construction and operation of the Project are minimized.

50. Wetlands. There are no wetland resource areas on or adjacent to the site and, therefore, filings under the Wetland Protection Act with the City of Boston Conservation Commission will not be required.
51. Water Resources. The Muddy River including Leverett Pond and associated flood zone are the nearest water bodies to the site, several hundred yards away, to the West and on the opposite side of an elevated roadway (Jamaica Way). There will be no impacts on these water resources from the construction and operation of the Project.
52. Groundwater. Test pits conducted for the site drainage system design were excavated to 10 feet below the surface in late 2003. The soil consists of mostly "urban fill." Geotechnical borings were conducted at two locations in December of 2003 and no groundwater was observed. Accordingly, no impacts to groundwater are expected from the construction and operation of the Project.
53. Visual. The viewshed is contained by the surrounding residential triple-decker brownstones to the north, west and south, and by the hill to the east. A wall 24 feet in height is proposed to enclose the transformers and bus work. A tight mesh fence will enclose the entire station site including the switchgear and control house. Appropriate landscape buffering will also be provided for at the station, including a mix of deciduous and evergreen plantings, which are drought tolerant, adaptive to urban conditions and consistent with surrounding vegetation. The existing trees buffer abutting residences on the hill to the east. Based upon the design of the Project, proposed buffering and the location of the property on a

remote private way, views of the facilities are limited and will be addressed through buffering in a reasonable manner.

54. Noise. The Company has conducted ambient noise measurements in the Colburn Street area to document existing sound conditions. Background noise in the area is dominated by steady, distant road traffic and building ventilation systems. In order to minimize noise impacts, the Company intends to use low-noise transformers, which will ensure that any increase in sound levels over ambient conditions will be modest. The Company's analysis shows that overall sound levels will comply with the City of Boston's night-time sound level threshold of 50 dBA and with the Department of Environmental Protection's guideline of less than a 10 dBA increase above the existing residual ambient sound level.
55. Traffic and Access. Colburn Street is a private way existing in two sections, one at South Huntington Avenue and the other at Huntington Avenue; both sections provide access to the site. There also exists a ten-foot wide passageway, five feet of which lies within the locus property along the westerly and northwesterly boundaries. The site is set on a private, dirt-traveled way off of the main traffic and pedestrian routes. Minimal traffic will be generated by substation use. Indeed, less than five vehicle trips per week are expected. The Project will entail design of permanent roadway improvements for the two sections of Colburn Street that lead in and out of the site and the new connecting street. Design of associated drainage, traffic signs and pavement markings for these drives/streets will accompany these improvements. Thus, no adverse impacts associated with traffic and access are anticipated.

56. For the construction phase, a transportation engineer has been retained to review the access needs of the abutters along Huntington Avenue and South Huntington Avenue in order to provide reasonable access and egress to the rear of the effected multifamily residences. Plans and specifications will be developed to provide the contractor with directions on how to provide reasonable access and to maintain or temporarily replace or relocate the parking spaces during the construction. As stated above, NSTAR Electric is committed to working in close consultation with the City of Boston on scheduling of construction activities so as to minimize impacts.
57. Based upon the above, environmental impacts associated with the Project are minor and/or temporary and have been minimized to the extent possible.

VII. PERMITS REQUIRED

58. A listing of all state and local permits required for the construction and operation of the Project is provided as Appendix E.¹²

WHEREFORE, NSTAR Electric respectfully requests that, pursuant to the authority under Section 6 of Chapter 665 of the Acts of 1956, and after due notice and a public hearing, the Department determine that the Project is reasonably necessary for the convenience and welfare of the public, and that such lands, the uses to be made of them, and the structures to be built and maintained thereon by the Company shall be

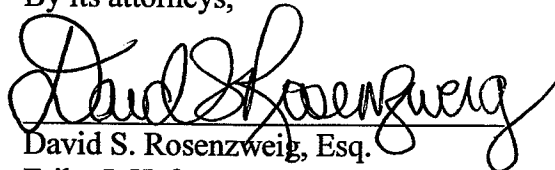
¹² In conformance with the Department's Zoning Exemption checklist, the Company has attached a draft notice as Appendix F and has included an electronic version with this filing. In addition, the Project does not trigger any thresholds that would require Massachusetts Environmental Policy Act review and, accordingly, the Company is not required to provide any Environmental Notification Form or Draft Section 61 findings.

comprehensively exempted from the operation of the zoning ordinances of the City of Boston, to the extent applicable thereto.

Respectfully Submitted,

**BOSTON EDISON COMPANY d/b/a
NSTAR ELECTRIC**

By its attorneys,

A handwritten signature in black ink, appearing to read "David S. Rosenzweig", written over a horizontal line.

David S. Rosenzweig, Esq.

Erika J. Hafner, Esq.

Keegan, Werlin & Pabian, LLP

265 Franklin Street

Boston, MA 02110

(617) 951-1400

(617) 951-1354 - fax

Dated: May 21, 2004

Appendix A

BULK ATTACHMENT



Thomas M. Menino
Mayor

APPLICANT MUST USE TYPEWRITER IN FILLING IN
THIS APPLICATION

CITY OF BOSTON

Certified Street Numbers

Street Numbering Inspector.

APPLICATION TO THE INSPECTIONAL SERVICES COMMISSIONER FOR PERMIT: —

To erect building or structure, under provisions of Chapter 802 of the Acts of 1972 as Amended.

Certified street and number, Colburn Street, Mission Hill Within Roxbury Fire Zone. Ward 10

Name of Owner NSTAR (Boston Edison) Address 1 NSTAR Way, Westwood, MA 02090

Name of Architect or Engineer NSTAR (Boston Edison) Address 1 NSTAR Way, Westwood, MA 02090

Classification of building or structure — Pre-Code Post-Code Type of Construction

Dimensions of building or structure — Front Right side Left side Rear

Height from sidewalk or mean grade to highest point of roof

Dimensions Lot — Front Right side Left side Rear

Main stairs Back stairs Fire escapes Con. balconies Any other

Material of — Foundation Floors Walls Thickness of

Roof construction Soil Party walls Thickness of

Floors	1	2	3	4	Any Others
Occupancy	N/A				
Number of persons accommodated	N/A				
Designed live load					

Number of employees in building Proposed occupancy 0

Cubic Volume X \$ per cu. ft. Estimated cost \$800,000

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION

Installation of Foundation for electrical controls, fencing, walls and drainage for an outdoor electrical substation.
Station #350 Colburn Street.

Date July 21, 2003

The facts set forth above in this application and accompanying plans are a true statement made under penalty of perjury.

JE Peters
(Signature of Owner or Authorized Agent)

Telephone Number 617-896-4342
c/o K. Fields, BSC Group, Inc.
(Address) 15 Elkins Street, Boston, MA 02127

JE Peters
(Signature of Licensed Builder)

Joseph E. Peters
(Name of Contractor)

Address 140 Deerfield Drive, Bridgewater Address

Lic. No. 070885 Class 00

My license expires 12/05/03

No.

EXAMINATION OF PLANS

APPROVED..... 20

Chief, Plan Division

EXAMINATION OF PLANS

ZONING

All applications for new buildings and all applications increasing the area of buildings, must be accompanied by a survey of the lot signed by a qualified surveyor, or a true survey in accordance with last filing at Registry of Deeds giving Deed number, Reference Book number and Page number.

Application to the Commissioner, Inspectional Services for Permit

To erect type.....building or structure at

No.

Ward

Plot plan must show: —
Area of lot in square feet.
Area of building in square feet.
Percentage of area of lot covered.
Approved as in compliance with Acts of 1924, Chapter 488, as amended.

Zone.....

Chief of Zoning Division

PERMIT GRANTED

..... 20

Group occupancy and division

Permit filled out by

Present principal occupancy.....

Plan number.....File number.....

© 1994 by the American Psychological Association 37



BOSTON INSPECTIONAL SERVICES DEPARTMENT

THOMAS M. MENINO
Mayor

KEVIN J. JOYCE
Commissioner

September 30, 2003

NSTAR
BSC Group, Inc.
15 Elkins Street
Boston, MA 02127

LOCATION: 1 Colburn Street WARD: 10 ZONE: Mission Hill N.D.
MFR - 1
APPLICATION #: 0402 / 04 DATE FILED: July 24, 2003

PURPOSE: Construct Outdoor Electrical Substation. Work to include construction of transformers, transformer foundations / transformer shrouding / fencing / walls and drainage.

YOUR APPLICATION REQUIRES RELIEF FROM THE ZONING BOARD OF APPEAL AS SAME DOES NOT CONFORM TO THE BOSTON ZONING CODE, TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

Residential Subdistricts

Article 59, Section 7 Use : Outdoor Electrical Substation : Conditional

Article 59, Section 8 Height Excessive

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED.


THOMAS WHITE
FOR THE COMMISSIONER

1010 MASSACHUSETTS AVENUE, BOSTON, MA 02118 • (617) 635-5300

220163171410 Rev. 3-1-02 FIRST DNX M 80804-J / 20418-3

PERSONAL
MONEY ORDER



FIDELITY BANK

Physical Address

140944582-0

PAY

***300.00**

NOT VALID OVER ONE THOUSAND DOLLARS DOLLARS

TO THE
ORDER OF

City of Boston

MEMO

SIGNATURE

ADDRESS

Issued by Integrated Payment Systems Inc., Englewood, Colorado
Bank One, N.A., Denver, Colorado

ADDRESS

⑈ 220185 ⑆ ⑆ 102000979 ⑆ 68001409445828 ⑆

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES COLOR GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE

CUSTOMER'S RECORD

ISC Companies INC 15 ELKINS ST Boston, MA 02127
CITIZENS BANK
Boston, Massachusetts
1121766761

23-97
1020
140944582-0

300.00

DOLLARS

CITY OF BOSTON

1121766761

X

NON-NEGOTIABLE

MEMO

Issued by Integrated Payment Systems Inc., Englewood, Colorado
Bank One, NA, Denver, Colorado

SAVE THIS RECORD

WE CANNOT GIVE INFORMATION OR SEARCH RECORDS UNLESS THIS COPY IS PRESENTED

CITY OF BOSTON
INSPECTIONAL SERVICES
1010 MASS AVE, 615-5300

09/30/03

296 # 2296

90
BGA/ZONING \$ 300.00
BUNTYL 300.00
TTLAMT 300.00
CHECK 300.00
CHANGE 0.00

6026 061 *2* 11:50
THANKYOU HAVE A NICE DAY



CITY OF BOSTON
BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

April 6, 2004
DATE

Decision of the Board of Appeal on the Appeal of

Boston Edison Company (d/b/a/ NSTAR Electric)

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

1 Colburn Street, Ward 10

in the following respect: Conditional Use & Variance

Article(s): 59(59-7) 59(59-8)

Erect outdoor electrical substation. Work to include construction of transformers, transformer foundations/transformer shrouding/fencing/walls and drainage.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BZC-24544 made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, December 16, 2003.

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, January 6, 2004, February 24, 2004, March 9, 2004 and again on April 6, 2004, in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #0402/04 dated July 24, 2003 and plans submitted to the Board at its hearing and now on file in the Building Department.

lp

EXAMINATION OF PLANS

APPROVED.....20

EXAMINATION OF PLANS

Application to the Commissioner, Inspectional Services for Permit

To erect type.....building or structure at

No.

**Approved as in compliance with Acts of 1924,
Chapter 488, as amended.**

Zone

Chief of Zoning Division

INSPECTIONAL SERVICES DEPT.
CITY OF BOSTON
ZONING DIVISION
NOT APPROVED
DATE 7-2-82
BY 2002

SEP 30, 2003

NOT APPROVED

Mission
MFR - 1
ZONE

DATE /

Proposed building would be in violation of Chap. 665 Acts of 1986 amended.

○

0.001 59-7 (OUTDOOR BLEBTA
 SUBSTATION ~~59-8~~ 59-8
 CONDITIONAL 11 11 11
 USE 7-10000 AT MANUSCRIPT

IN BOARD OF APPEAL

60-9-67

DATE

DATE
APPEAL DISMISSED WITHOUT PREJUDICE

CASE #

Group occupancy and division

Present principal occupancy.

27

File number:

Permit filled out by:

Plan number

"ABANDONED BY OWNER"
 518-104
 5/18/1944
 DATE
 OWNED
 5/18/1944

History of
former N.Y.
4 months

APPROVAL
FROM
BOSTON
WATER &
SEWER
DEPT.

4078
4079

APPROVED.....19
MAY 18 2004

Chief, Plan Division

50

Application to the Commissioner, Inspectional Services for Permit

EXAMINATION OF PLANS

ZONING

All applications for new buildings increased the area of building be accompanied by a survey of the area by a qualified surveyor, or a true survey with last filing at Registry of Deeds number, Reference Book Page number.

To erect type..... building or structure at

Plot plan must show: —
Area of lot in square feet.
Area of building in square feet
Percentage of area of lot covered
Approved as in compliance with Chapter 488, as amended.

To erect type..... building or structure at

No. 1 Colburn St.

Ward 10

Zone.....

Chief of Z.

PERMIT GRANTED

Permit filled out by.....19
Plan number.....File number.....
Group occupancy and division.....
Present principal occupancy.....



CITY OF BOSTON

Bd. Ap. 3

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

1 Colburn Street, Ward 10
BZC-24544
Date of Hearing: April 6, 2004
Permit #0402/04
Page 2

Decision of the Board of Appeal on the Appeal of

The premises in question are located in the Roxbury section of the City of Boston in a zoning area designated Mission Hill Neighborhood District/Multi-Family Residential Subdistrict (Mission Hill N.D/MFR-1). The Appellant's application for building permit was denied by the Building Commissioner for violation of Statute 1956, Chapter 665, Articles: 59(59-7) 59(59-8).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance under Article 7 Section 7-3 or a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

This appeal is hereby dismissed without prejudice. In the event a new application for this site is filed and refused by the Building Commissioner, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.

Therefore, the Board (the members and substitute member/members sitting on this appeal) unanimously voted to dismiss the appeal without prejudice.

APPEAL DISMISSED WITHOUT PREJUDICE

A True Copy,
Attest
Darryl Smith
F DARRYL SMITH
ASST. COMMISSIONER

MAY 11 2004
SIGNED *Christine Araujo*
CHRISTINE ARAUJO - SECRETARY
Angelo Catala
*ANGELO BUONOPANE - Absent
Peter Chin
PETER CHIN
Joseph Feaster
JOSEPH FEASTER - CHAIRMAN
Michael Monahan
MICHAEL MONAHAN
Anthony Pisani
*ANTHONY PISANI
*ROBERT SHORT SLEEVE - Acting Chair



APPLICANT MUST BE SUPERVISOR IN FILLING IN
THIS APPLICATION

CITY OF BOSTON

Certified Street Numbers

1 Colburn St

W.D.

Street Numbering Inspector.

APPLICATION TO THE INSPECTIONAL SERVICES COMMISSIONER FOR PERMIT: —

To erect building or structure, under provisions of Chapter 802 of the Acts of 1972 as Amended.

Certified street and number... 1 Colburn Street... Within... Roxbury... Fire Zone... Ward... 10...
Name of Owner... Nstar (Boston Edison)... Address... 1 Nstar Way, Westwood, Ma 02090
Name of Architect or Engineer... Nstar (Boston Edison)... Address... 1 Nstar Way, Westwood, Ma 02090
Classification of building or structure — Pre-Code... Bld. A-45... Post-Code... Bld. A-24... Type of Construction... Bld. A-45...
Dimensions of building or structure — Front... Bld. B-138... Right side... Bld. B-25... Left side... Bld. B-25... Rear... Bld. A-138...
Height from sidewalk or mean grade to highest point of roof... Building A-12... Building B-13...
Dimensions Lot — Front... Right side... Left side... Rear...
Main stairs... Back stairs... Fire escapes... Con. balconies... Any other...
Material of — Foundation... Floors... Walls... Thickness of...
Roof construction... Soil... Party walls... Thickness of...

Floors	1	2	3	4	Any Others
Occupancy					
Number of persons accommodated					
Designed live load					

Number of employees in building... Proposed occupancy... Electric SubStation
Cubic Volume... X \$... per cu. ft. Estimated cost... 1,200,000.00

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION

Construction of foundation for electrical controls
fencing, walls and drainage for out^{door} electrical substation
including the construction of building A and B accessory thereto
as per plans.

Date... May... 18, 2004...

The facts set forth above in this application and accompanying plans are a true statement made under penalty of perjury.

Mary Marshall
(Signature of Owner or Authorized Agent)
as attested

Telephone Number... 617-951-7171...
c/o Mary T. Marshall
(Address)... 1 International Pl. Boston 02110-2624

(Signature of Licensed Builder)

(Name of Contractor)

Appendix C

BULK ATTACHMENT



PREPARED FOR:

NSTAR ELECTRIC & GAS CORP.
ONE NSTAR WAY
WESTWOOD, MA 02090

SITE LOCUS

STATION 350
COLBURN STREET
BOSTON, MASSACHUSETTS

15 Elkins Street
Boston, Massachusetts
02127

617 896 4300

Job No.: 2.2958.00 Date: MAY 17, 2004
Scale: 1"=2000' Revised: _____
Dwg. No.: _____ Sheet: 1 of 1

**COLBURN STREET ZONING PETITION
LIST OF PERMITS/AUTHORIZATIONS REQUIRED**

Agency Name	Permit or Action
Boston Zoning Board of Appeals	Conditional Use Permit & Variance (Boston Zoning Code, Section 59)
Boston Transportation Department	Construction Management Plan
Boston Department of Public Works	Specific Repair Plan; Street Opening Permit (Boston Municipal Code, Section 11-6)
Boston Water and Sewer Commission	Site Plan Review; Storm-Drain Connection
Boston Department of Inspectional Services	Building Permit (780 CMR 1.00)
Public Improvements Commission	Grant of Location (G.L. c. 166, § 22)
Boston Redevelopment Authority	Design Review (Article 80)
Boston Parks and Recreation Commission	Permission for Construction Near Parks or Parkways
U.S. Environmental Protection Agency	NPDES Construction Permit

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF ADJUDICATION
NOTICE OF PUBLIC HEARING

D.T.E. 04-__

Boston Edison Company
d/b/a NSTAR Electric

Notice is hereby given that Boston Edison Company d/b/a NSTAR Electric ("NSTAR Electric" or the "Company"), 800 Boylston Street, Boston Massachusetts, has filed with the Department of Telecommunications and Energy (the "Department") a petition pursuant to Section 6 of Chapter 665 of the Acts of 1956 seeking certain zoning exemptions for a proposed substation located on Colburn Street in the Mission Hill area of the City of Boston (the "Project").

DEPARTMENT JURISDICTION

NSTAR Electric's petition to the Department was docketed as D.T.E. 04-__. The Department will review NSTAR Electric's zoning petition under Section 6 of Chapter 665 of the Acts of 1956 to determine whether zoning exemptions are required and whether the present or proposed use of the land or structures is reasonably necessary for the convenience or welfare of the public.

THE PROJECT

NSTAR Electric is proposing to construct and operate a substation on Colburn Street, off of South Huntington and Huntington Avenues in the Mission Hill neighborhood of Boston. This substation is necessary to meet increasing load requirements in the surrounding area. The substation would tap into existing 115 kilovolt ("kV") underground transmission lines in this area of Boston. The proposed Colburn Street substation would then step down and distribute the electricity from these transmission lines throughout this area of Boston. The Colburn Street parcel is 109,420 square feet (2.512 acres), the western or front portion of which is in a cleared, open, and level condition while the eastern or rear portion contains a wooded area on an approximately 50-foot high hill with an average slope of 2:1.

The Project would consist of the following elements:

- (a) Three 37/50/62.5 MVA, sound-attenuated, load-tap changing transformers on concrete foundations with fire suppression systems and oil containment pits. A fourth foundation will be constructed to provide for the future installation of a fourth transformer of an identical rating.
- (b) Two 115 kV circuit breaker and associated bus work to sectionalize an existing pipe-type cable; Transmission Line 110-510, and to provide access to an existing

DRAFT

pipe-type cable, Transmission Line 110-511. Foundations will be constructed to provide for the future installation of a second set of two circuit breakers to be added with the fourth transformer.

- (c) Three 115 kV circuit switchers for transformer protection. A fourth foundation will be constructed to provide for the future installation of a fourth circuit switcher.
- (d) 13.8 kV outdoor metal clad switchgear. A foundation will be constructed to allow the future installation of future additional switchgear associated with the fourth transformer.
- (e) Three trailer-mounted 13.8 kV metal-enclosed capacitor banks.
- (f) One single-story prefabricated control enclosure sized for the ultimate development of the station.
- (g) Miscellaneous protective relay, control, metering, telemetry, communications and fire suppression equipment.
- (h) Miscellaneous below grade duct banks, raceway systems grounding and direct stroke shielding including two 100-foot shielding masts.

The site is currently sloping and will be graded, with the installation of retaining walls to maintain grade. The entire yard will be surfaced with crushed stone and an on-site stormwater detention and infiltration system will be provided with overflow to the City storm sewer system. A seven-foot chain link fence (with no barbed wire) will surround the site except that on the top of the proposed retaining wall a 10-foot high chain link fence will be provided to provide augmented protection to the 115 kV bus work from thrown objects. The 115 kV bus work will be surrounded by a screening wall made from prefabricated panels. A paved roadway between the two stub ends of Colburn Street connecting Huntington Avenue and South Huntington Avenue will be constructed and maintained to provide vehicular passage around the front of the station. In addition, there will be five parking spots dedicated for NSTAR Electric use on the northeasterly boundary of the Project site.

NOTICE OF PUBLIC HEARING

The Department will conduct a public hearing to receive public comment on the proposed NSTAR Electric substation. **The public hearing will be held on [INSERT DATE], beginning at 7:00 p.m. at [INSERT LOCATION].** The Department will accept comments on the Company's proposed substation at the public hearing. Comments also may be filed with the Department after the public hearing, at the address below, until [INSERT DATE].

Copies of NSTAR Electric's petition are available for public inspection at the Department's Offices, NSTAR Electric's Office, the City Clerk's Office in the City of Boston and the main branch of the Boston Public Library at 700 Boylston Street, Boston.

DRAFT

Any person interested in intervening as a party or participating as a limited participant in this proceeding must file a written petition with the Hearing Officer on or before **[INSERT DATE]**. Criteria used to grant or deny such petitions are set forth in the Department regulations at 220 C.M.R. 1.03. Any person desiring further information regarding this Notice, including information regarding intervention or participating in the adjudicatory proceeding, may contact the Hearing Officer at the address or telephone number below.

[INSERT], Hearing Officer
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
(617) 305-XXXX

DRAFT